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DATE MAILED: 12/14/2001

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/477,236	01/04/2000	JASON T. LENZ	S63.2-7531	8883
490 7.	590 12/14/2001			
VIDAS, ARRETT & STEINKRAUS, P.A. 6109 BLUE CIRCLE DRIVE SUITE 2000 MINNETONKA, MN 55343-9185			EXAMINER	
			MENDEZ, MANUEL A	
			ART UNIT	PAPER NUMBER
			3763	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner	~		Application No.	Applicant(s)			
Manual Mendez	Office Action Summary		09/477,236	LENZ, JASON T.			
Preirod for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be evidine under the previous of 3 CFR 1.136(b). In on event, however, may a reply be timely filed with the SM (9) MONTHS from the mailing date of this communication. Extensions of time may be evident be under the previous of 3 CFR 1.136(b). In on event, however, may a reply be timely filed with the SM (9) MONTHS from the mailing date of this communication. Extensions of time may be evident to be date or extended period for may vall, by elitating, cause the application to become ABANOENED (55 U.S.C. § 133). For young rounder of the Confidence of the communication of the communication of the communication. Providence and the communication of Claim (5)			Examiner	Art Unit			
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIREMONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Editinations of time may be available under the provisions of 37 CPR 1.158(g). In no event, however, may a reply be timaly filled experiments of time may be available under the provisions of 37 CPR 1.158(g). In no event, however, may a reply be timaly filled experiments of time may be available under the provisions of 37 CPR 1.158(g). In no event, however, may a reply be timaly filled experiments of the provisions of 37 CPR 1.058(g). The provision of the provisio							
THE MALING DATE OF THIS COMMUNICATION. Edimensions of time may be available under the provisions of 3 CPR 1.136(a). In co ovent, however, may a reply be timely filed after 63X (6) MONTHS from the malling date of this communication. If the prenof or reply specified afters is usen than timely (100 days and 100 accounts). If the prenof or reply specified afters is usen than timely (100 days and 100 accounts). If the prenof or reply specified afters is usen than timely (100 days and 100 accounts). If the prenof or reply specified afters is usen than timely (100 days and 100 accounts). If the prenof or reply specified afters is usen than timely (100 days and 100 accounts). Fallows to reply within the set or extended parted for reply will, by statute, cause the application, one of timely (100 days (100 days). Fallows to reply within the set or extended parted for reply will, by statute, cause the application, even if timely (100 days reduce any sowned patient term adjustment. See 37 CFR 1.794(b). Status 1)							
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-29 Is/are pending in the application. 4a) Of the above claim(s) 9-22 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1-6.8 and 23-29 Is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 9) Claim(s) is/are objected to. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. 10) The proposed drawing correction filed on is/are: a) approved by disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1 Certified copies of the priority documents have been received in Application No. application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. **Attachment(s)	THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
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3) Information Disclosure Statement(s) (F10-1449) Faper No(s) 0) Other.	1) Notice	e of References Cited (PTO-892)	5) Notice of Informal F				

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-8 and 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Porter, et al., in view of Muni. The referenced patent discloses an insertable medical device having a protective surface coating, the coating comprising a polymer selected from a group consisting of thermoplastic polymers and thermosetting polymers, and the coating being non-continuous on the medical device. As argued by the applicant, Porter, et al., does not disclose "a coating which is non-continuous". However, the use of non-continuous coatings on exterior surfaces of catheters or cannulas is conventional in the art as taught by Muni. In column 5, line 51, Muni defines the term "non-uniform" coating as (1) a coating that is variable in thickness along the circumference or length of the body, or (2) to a coating which covers the body in some areas, but not at all in others (see figure 4B). Based on the teachings of the Muni patent, it would have been obvious to modify Porter, et al., with a non-continuous coating since said modification is well known in the art, and therefore, an obvious design alternative.

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Response to Arguments

Applicant's arguments with respect to claims 1-6 and 8 have been considered but are most in view of the new ground(s) of rejection.

Conclusion

In view of the new grounds of rejection, this action is not final. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manuel Mendez whose telephone number is 703-308-2221. The examiner can normally be reached on 0730-1800 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Seidel can be reached on 703-308-5115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3590 for regular communications and 703-305-3590 for After Final communications.

December 11, 2001

Manuel Mendez Primary Examiner Art Unit 3763